

Magistrate Judge David W. Christel

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY BALLENGER

Defendant.

CASE NO. *MJ16-5187*

COMPLAINT for VIOLATION

Title 21, U.S.C.,
Sections 843(a)(3), and 846

BEFORE, David W. Christel, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE

**(Conspiracy to Acquire or Obtain a Controlled Substance by
Misrepresentation, Fraud, Forgery, Deception, or Subterfuge)**

Beginning at a time unknown, but within the past five years, and continuing until
on or about October 13, 2016, in Auburn, within the Western District of Washington,
and elsewhere, Anthony BALLENGER did knowingly and intentionally conspire with

1 others, known and unknown, to acquire and obtain possession of Oxycodone, a Schedule
2 II controlled substance, by misrepresentation, fraud, forgery, deception, and subterfuge.

3 All in violation of Title 21, United States Code, Sections 846 and 843(a)(3).

4 And the complainant states that this Complaint is based on the following
5 information:

6 I, Eric Robison, being first duly sworn on oath, depose and say:

7 **I. INTRODUCTION AND AGENT BACKGROUND**

8 1. I am assigned as a Task Force Officer (TFO) with the United States Drug
9 Enforcement Administration (DEA), and have been so assigned since January 2016. I
10 am currently assigned to the DEA's Tactical Diversion Squad. In this capacity, I
11 investigate violations of the Controlled Substance Act, Title 21, United States Code,
12 Section 801 et seq., and related offenses. I have received specialized training in criminal
13 investigations relating to controlled-substances offenses, interview and techniques,
14 patrol procedures, and the enforcement and investigation of the Controlled Substance
15 Act. I have received over 700 hours of law-enforcement training at the Washington
16 State Basic Law Enforcement Training Academy and an additional 40 hours of training
17 at the Drug Enforcement Agency Tactical Diversion Squad Course. I have participated
18 in narcotics investigations, including with respect to prescription forgery rings. I have
19 been involved in the service of search warrants as part of these investigations. As a
20 result of my experience in serving these search warrants, I have encountered and have
21 become familiar with various tools and methods utilized by various traffickers in their
22 efforts to acquire and distribute controlled substances.

23 2. Prior to becoming assigned as a DEA TFO, I was employed as a Police
24 Patrol Officer with the Tacoma Police Department between February 2005 and January
25 2016. In that role, I was assigned as a Primary Call Responder and would respond to
26 any 911 or non-emergency calls for service and would conduct proactive policing as
27 necessary. These calls for service would range from a traffic infraction stop to a
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1 shoplifting incident to assisting with a homicide investigation. These incidents also
2 included forgery incidents as well as narcotics investigations.

3 II. SOURCES OF INFORMATION

4 3. I have obtained the facts set forth in this affidavit through my personal
5 participation in the investigation described below; from oral and written reports of other
6 law enforcement officers; and from records, documents and other evidence obtained
7 during this investigation. I have obtained and read official reports prepared by law
8 enforcement officers participating in this investigation and in other investigations by the
9 DEA. Because this Affidavit is being submitted for the limited purpose of establishing
10 probable cause that the defendant committed the offense charged in the Complaint, I
11 have not included each and every fact known to me concerning the investigation.

12 III. DESCRIPTION OF INVESTIGATION

13 A. Summary of Investigation

14 4. In early January 2016, a Walgreens branch in Tacoma, Washington
15 informed the Tacoma Police Department that a middle-aged white male attempted to
16 fill a forged prescription for 168 30-milligram Oxycodone tablets and 30 25-milligram
17 Phenergan tablets. As a dual-commissioned Task Force Officer with the Drug
18 Enforcement Administration ("DEA") and the Tacoma Police Department, I began an
19 investigation into the incident.

20 5. As discussed in further detail below, my investigation into that report of
21 prescription forgery has led to the discovery of approximately eighty incidents where
22 forged prescriptions were filled by a small ring of apparent associates at pharmacies
23 throughout the Western District of Washington. I have reached out to the doctors under
24 whose names the prescriptions were issued. Those doctors have told me that they did
25 not issue any of the prescriptions. In addition to speaking with the doctors, I reviewed
26 the fraudulent prescriptions, conducted physical surveillance of the members of the
27 scheme, reviewed video footage from pharmacies at which the acts of forgery occurred,
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1 reviewed materials (such as copies of photo identifications) preserved by those
2 pharmacies, interviewed witnesses to the forgeries, such as the pharmacists who filled
3 the forged prescriptions, and reviewed materials found as a result of search warrants.

4 6. As explained below, I respectfully submit, on the basis of the evidence
5 discovered over the course of my investigation, that there is probable cause that Anthony
6 BALLENGER conspired to acquire and obtain controlled substances by means of
7 misrepresentation, fraud, forgery, deception, or subterfuge, in violation of Title 21,
8 United States Code, Sections 846 and 843(a)(3).

9 B. Description of Investigation Into Acts of Prescription Forgery
10 Involving Dr. Thomas Thorn

11 7. As explained above, my investigation started in January 2016, when a
12 pharmacy in Tacoma informed me that a male carrying a Montana driver's license
13 attempted to fill a prescription that bore the name of a doctor named Thomas Thorn.¹
14 The pharmacy provided me with information about the prescription and the false
15 identification used by the purported patient to whom the prescription had been issued.
16 The prescription was for 168 30-milligram Oxycodone tablets and 30 25-milligram
17 Phenergan tablets, as well as a separate electronic prescription for 60 tablets of 20-
18 milligram Prednisone. It was typewritten (i.e., not handwritten, with the exception of
19 the doctor's signature) and set forth an address and phone number that purportedly were
20 for Dr. Thorn, the issuing doctor. In addition, the false identification appeared to be a
21 State of Montana driver's license; it had the look of official state identification, bore the
22 name of a person named "Victor Ryan Bentley," and included a photograph, address,
23 and other identifying information for Mr. "Bentley."

24 8. I contacted Dr. Thorn, who told me that he did not issue the prescription at
25 issue. Dr. Thorn also told me that he practiced in the state of California and had not
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27 ¹ The same person also had attempted to fill a prescription that bore Dr. Thorn's name and that had been submitted
28 electronically over the SureScripts electronic-prescription service. For simplicity, I refer to both the hardcopy and
electronic prescriptions in the singular.

1 issued any prescriptions to pharmacies in the state of Washington since September
2 2014. Dr. Thorn did not recognize any of the information on the false prescription,
3 including the address and phone number listed under his name on the prescription
4 paper. I have since discovered that the address set forth on the prescription paper is a
5 Seattle address that traces to a dental office that is not associated with Dr. Thorn.

6 9. In order to determine whether there had been other prescriptions that were
7 fraudulently issued in Dr. Thorn's name, I searched for Dr. Thorn's name in the state of
8 Washington's "Prescription Monitoring Program," which is a secure program that can
9 be accessed by medical personnel, pharmacists and law enforcement on an as-needed-
10 basis to track the prescribing of scheduled (controlled) narcotics to patients. This
11 program is used to assist medical personnel and pharmacists to ensure that patients are
12 not being overprescribed scheduled narcotics and to ensure that scheduled narcotics are
13 not being illicitly diverted from their intended purpose.

14 10. Through this search, I found four other prescriptions that purported to have
15 been issued by Dr. Thorn and that had been filled at Walgreens pharmacies in
16 Washington State. Each prescription named a different purported patient and each
17 prescribed over one-hundred (100) tablets of 30-milligram Oxycodone (and, in some
18 cases, other drugs). Three of the four pharmacies provided me with scanned copies of
19 the photo identifications used by the purported patients when filling the prescriptions,
20 and all four pharmacies provided me with video surveillance footage depicting the
21 incidents. All four prescriptions were filled by the same purported patient, who used a
22 different alias in the context of each incident. I later discovered, by comparing the
23 photo identifications and video surveillance footage to Washington State Department of
24 Licensing records, that the depicted individual was a person named Erik ROAN.

25 11. I discovered that online profiles had been created for Dr. Thorn on the
26 medical-review websites "patientfusion.com" and "healthgrades.com." Dr. Thorn told
27 me that neither he nor anybody on his staff created the online profiles on those two
28 websites. The two online profiles listed the same false addresses and telephone

1 numbers that were on the prescription sheets presented to Walgreens in person and
2 through the SureScripts system.

3 12. In response to a search warrant, the website "healthgrades.com" informed
4 me that the fraudulent profile for Dr. Thorn was associated with the email address
5 thornthomas1958@gmail.com. The same email address
6 (thornthomas1958@gmail.com) was further used in creating an account through
7 SureScripts, which is an online portal that allows healthcare professions to submit
8 electronic prescriptions to pharmacies over the internet. Dr. Thorn informed me that
9 neither he nor anyone on his staff had ever registered (or had any knowledge of) the
10 email address thornthomas1958@gmail.com, which is entirely different from Dr.
11 Thorn's actual, official, email address. I have since discovered, through a search
12 warrant that authorized me to search the thornthomas1958@gmail.com email account,
13 that the email address has been used in furtherance of a prescription-forgery scheme.

14 13. I also discovered that the online profiles and fraudulent prescription sheets
15 for Dr. Thorn listed a phone number and facsimile number. Dr. Thorn told me that
16 neither he nor anyone on his staff used, had registered, or even knew about the phone
17 number and facsimile number listed on the online profiles and fraudulent prescription
18 sheets. In response to a search warrant, the service provider for the phone number and
19 facsimile number informed me that the emails used to register the phone number and
20 facsimile number were powers.jason@waphysicians.com and
21 powersjason1990@gmail.com.

22 14. I have since discovered, through search warrants that authorized me to
23 search the contents of those electronic accounts, that the email address
24 powersjason1990@gmail.com and the domain name waphysicians.com were created in
25 furtherance of the scheme by BALLENGER and others. For instance, in an email dated
26 November 6, 2015, BALLENGER used his email address (jk35944@gmail.com) to
27 send a photograph to powersjason1990@gmail.com. That photograph depicted
28 Christopher LOVATA, who as discussed below, engaged in prescription-forgery

1 incidents where he presented a false identification in order to obtain controlled
2 substances under fraudulent prescriptions. Scanned copies of the photo identifications
3 used by LOVATA during those incidents depicted the same photograph that
4 BALLENGER emailed to the powersjason1990@gmail.com address. Moreover, I
5 found an email to the powersjason1990@gmail.com address confirming the purchase of
6 a "Thermal Card" printer, which is a device used to create government identification
7 cards. PayPal records associated with that purchase link back to BALLENGER's
8 phone number.

9 C. Investigation into Acts of Prescription Forgery Involving Dr. Kelly
10 Houck

11 15. After discovering the fraudulent prescriptions purportedly issued by Dr.
12 Thorn, I issued a bulletin to pharmacies in throughout Washington State warning them
13 about prescriptions made out to patients who used a Montana driver's license bearing
14 the same non-existent address used on those fraudulent prescriptions. In response, I
15 received a phone call from a pharmacist at a Seattle-area Walgreens informing me that
16 she recently had received a prescription purportedly issued by Dr. Kelly Houck to a
17 patient who presented a Montana driver's license that listed the same Montana address
18 as the one used on the prescriptions discussed above. The prescription was for 140 30-
19 milligram Oxycodone tablets. The prescription paper listed a Bellevue, Washington
20 address for Dr. Houck as well as a phone number and facsimile number purportedly
21 associated with Dr. Houck's office.

22 16. I searched for other prescriptions purportedly issued by Dr. Houck in the
23 Washington State Prescription Monitoring Program. Through that search, I discovered
24 seventeen prescriptions that purportedly had been issued by Dr. Houck, all but one of
25 which had been filled by pharmacies throughout the Western District of Washington.
26 In total, the prescriptions were for 2600 tablets of 30-milligram Oxycodone, 240 tablets
27 of 25-milligram Promethazine (Phenergan), 300 tablets of 20-milligram Prednisone,
28 and 11 tablets of 10-milligram Valium (Diazepam).

1 17. I spoke to the pharmacists at each of the pharmacies that received
2 prescriptions purportedly issued by Dr. Houck. Eight of the pharmacies provided me
3 with video surveillance footage depicting ROAN. Four pharmacies lacked video
4 surveillance footage, but did have scanned copies of the photo identifications used
5 during the incidents; those photo identifications depicted ROAN. Five other
6 pharmacies lacked both video surveillance footage and scanned copies of the photo
7 identifications used during the incidents, but they did provide me with the names of the
8 purported patients. As explained below, I found false identifications bearing those
9 patient names in an email account that appears to have been used by BALLENGER to
10 send himself photographs of American Express credit cards in his name and to send
11 himself photographs of false driver's licenses with his twin brother's photograph on
12 them.

13 18. Dr. Houck told me that she did not issue any of the prescriptions in her
14 name. She told me that she has not practiced in the State of Washington since 2014 and
15 is currently practicing in West Virginia. Dr. Houck also told me that neither she nor
16 anyone else on her staff issued the prescriptions that I discovered through the
17 Prescription Monitoring Program and that I learned about from the pharmacist at the
18 Seattle-area Walgreens. Nor did Dr. Houck or anyone on her staff have any knowledge
19 of the phone numbers and addresses listed on the fraudulent prescription sheets.

20 19. I discovered that an online profile had been created for Dr. Houck on the
21 medical-review website "healthgrades.com." Dr. Houck told me that neither she nor
22 anybody on her staff created the online profile on that website. The online profile listed
23 the same false addresses and telephone numbers that were on the prescription sheets
24 that purportedly had been issued by Dr. Houck. In response to a search warrant, the
25 website "healthgrades.com" informed me that the fraudulent profile for Dr. Houck was
26 associated with the email address cervantes.justin85@gmail.com, which is the same
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1 email address referred to in paragraph 19 above.² Dr. Houck informed me that neither
2 she nor anyone on her staff had ever registered (or had any knowledge of) the email
3 address cervantes.justin85@gmail.com, which is entirely different from Dr. Houck's
4 actual, official, email address.

5 20. Finally, I obtained search warrants issued by the Pierce County Superior
6 Court that directed Google Voice to disclose email addresses associated with the phone
7 numbers listed on the prescription sheets purportedly issued by Dr. Houck. Google
8 Voice is a subscription service offered by Google, Inc., which provides its subscribers
9 with a single phone number that they can use in connection with multiple devices, in
10 order to make and receive phone calls, send and receive texts, and receive and read
11 transcriptions of voicemail messages. In response to the search warrants, Google
12 disclosed that two of the phone numbers listed on the prescription sheets were
13 registered under the email addresses cervantes.justin85@gmail.com.

14 D. Discovery of Additional Victim Doctors and Perpetrators

15 21. In the course of my investigation, I discovered six additional doctors
16 whose names had been used on fraudulent prescriptions that were presented and filled
17 by ROAN and two other apparent members of the scheme. Three of the doctors are
18 discussed in the paragraphs below.

19 22. *First*, on May 18, 2016, the Renton Police Department notified me that a
20 person attempted to fill two prescriptions that purportedly had been issued by a doctor
21 named Brian Smith. I reviewed scanned copies of the photo identifications used during
22 both incidents and discovered that both photo identifications depicted ROAN. I
23 contacted Dr. Smith, who told me that he had not issued any prescriptions to patients in
24 Washington State.

25
26
27 ² As I discovered through a search warrant issued to relevant service provider, the email address
28 cervantes.justin85@gmail.com was also the email address associated with the phone number and facsimile number
listed on the fraudulent prescriptions bearing Dr. Houck's name.

1 23. I also confirmed, through a search of the Washington State "Prescription
2 Monitoring Program," that there had been additional prescriptions that purportedly had
3 been issued by Dr. Smith. The prescriptions were for 1820 tablets of 30-milligram
4 Oxycodone, along with other controlled substances. The video surveillance footage
5 relating to one of the prescriptions depicted ROAN. Video surveillance from three
6 additional incidents depicted a person who I later determined to be Lea ESPY by
7 comparing the person depicted in the video footage to records maintained by the
8 Washington State Department of Licensing. As explained below, I later discovered
9 multiple emails between ESPY and BALLENGER in which ESPY and BALLENGER
10 discussed names and DEA registration numbers for doctors whose names later could be
11 used in connection with fraudulent prescriptions.

12 24. *Second*, through a search warrant directed to the email address
13 cervantes.justin85@gmail.com, I found false Idaho driver's licenses that the user of that
14 email address had sent to himself over email. I searched the Washington State
15 Prescription Monitoring Program for the names of the purported (non-existent) people
16 depicted on those false identifications and discovered that prescriptions had been
17 submitted and filled for three of the names on those false Idaho driver's licenses. All
18 three prescriptions bore the name of a doctor by the name of Paul Paschall. I thereafter
19 discovered four more prescriptions that purportedly had been issued by Dr. Paschall and
20 that had been filled in pharmacies in the Western District of Washington. In total, the
21 prescriptions purportedly issued by Dr. Paschall were for nearly 1000 tablets of 30-
22 milligram Oxycodone, as well as other controlled substances. Dr. Paschall told me that
23 he did not issue any of the prescriptions that I found through my investigation.

24 25. The pharmacies at which six of the prescriptions had been filled provided
25 me with video surveillance footage depicting the incidents. ROAN was depicted in
26 every incident. Although no video surveillance footage existed with respect to the
27 seventh incident, I learned that the perpetrator used an identification that bore the name
28

1 “Justin Hopgood.” I later found a digital copy of a false identification for “Justin
2 Hopgood” in an email address that I searched pursuant to a search warrant.

3 26. *Third*, through a search of the email account
4 cervantes.justin85@gmail.com, I found a fraudulent prescription purportedly issued by
5 a doctor named Edward Sale. I called Dr. Sale, who told me that he has not practiced in
6 Washington State since he retired in July 2015 and has not written any prescriptions for
7 any patients since that time.

8 27. I searched for Dr. Sale’s name in the Washington State “Prescription
9 Monitoring Program” and found thirteen prescriptions that were issued in his name to
10 ten purported patients between November 6, 2015 and December 5, 2015. All of the
11 prescriptions were for Oxycodone and/or Promethazine. In three of the incidents, the
12 prescriptions were presented and filled at pharmacies in the Western District of
13 Washington. The pharmacies at issue in two of the incidents provided me with scanned
14 copies of the photo identifications used during those incidents. The pharmacy at issue
15 in the third incident provided me with video surveillance footage of the incident. The
16 photo identifications and video surveillance footage all depicted the same person; I later
17 identified that person as Christopher LOVATA by comparing the photo identifications
18 and footage to records maintained by the Washington State Department of Licensing.
19 As explained above, the photograph of LOVATA used on the false identifications had
20 been emailed by BALLENGER to the powersjason1990@gmail.com email address
21 approximately one month before the prescription-forgery incidents.

22 E. Discovery of BALLENGER’s Involvement in the Scheme

23 28. As set out above, the incidents at which false prescriptions were presented
24 and filled at pharmacies in the Western District of Washington involved three suspects:
25 ROAN, ESPY, and LOVATA.³ In the course of my investigation, I eventually
26

27 ³ ROAN and LOVATA were arrested on October 13, 2016. During post-arrest interviews, which they submitted to
28 after being informed of their rights under *Miranda v. United States*, they said that they did not deal with
BALLENGER directly, but that they dealt with a person who I suspect to have served as an intermediary between
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1 identified BALLENGER as an additional member of the scheme. While BALLENGER
 2 did not appear to fill the prescriptions themselves, I submit that there is probable cause
 3 to believe that he served an integral role in organizing, facilitating, and executing every
 4 essential element of the scheme, including the false prescriptions and the false
 5 identifications used to fill those prescriptions. More specifically, there is probable
 6 cause to believe that BALLENGER conspired with others to acquire and obtain
 7 controlled substances through the fraudulent means described above.⁴

8 29. The evidence that establishes probable cause that BALLENGER
 9 committed the offense set out in the Complaint consists, in addition to the evidence
 10 discussed above, of the following three categories of evidence: (i) evidence found in
 11 email accounts associated with the scheme; (ii) physical surveillance of BALLENGER;
 12 and (iii) evidence found in BALLENGER's residence and car pursuant to a search
 13 warrant issued by the Honorable David W. Christel, United States Magistrate Judge,
 14 United States District Court for the Western District of Washington.

15 1. Evidence Found in Email Accounts

16 30. As explained above, I obtained search warrants for email accounts that I
 17 discovered in the course of my investigation. Those email accounts contained evidence
 18 that BALLENGER committed the offense charged in the Complaint.

19 31. *First*, the email address powersjason1990@gmail.com contained dozens of
 20 emails associated with the scheme, including emails (i) from GoDaddy, a web services
 21 provider, confirming the creation of the domain "waphysicians.com" and associated
 22 email services through that domain name, (ii) attaching false identifications using
 23 photographs of ROAN, (iv) discussing laptop-device protection, (iii) to
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25
 26 BALLENGER and ROAN and/or LOVATA. Neither ROAN or LOVATA could confirm that the person named
 27 Anthony BALLENGER participated in the conspiracy.

28 ⁴ Indeed, the false Montana address used on the false identifications presented by ROAN in connection with the
 scheme happens to be the same false Montana address used by BALLENGER in connection with an earlier
 incident of prescription forgery, for which he was convicted in Pierce County Superior Court in 2013.

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1 “info@waphysicians.com”, “cervantes.j@waphysicians.com”,
 2 “calvert.m@lifeworksmed.com” and “blue.d@waphysicians.com,” which were domain
 3 names used in connection with the scheme, (iv) from Google Voice for voice mail
 4 messages received from pharmacies advising prescriptions were ready for pick-up, (v)
 5 with scan-to-PDF document links containing lists of doctor names and DEA numbers,
 6 and (vi) from ReceptionHQ with voice mail messages reference prescriptions.

7 32. In addition to these emails, the powersjason1990@gmail.com email
 8 account also received an email from jk35944@gmail.com which attached a photograph
 9 of LOVATA. As explained above, the photograph appeared on false identifications
 10 that LOVATA later used in order to fill fraudulent prescriptions. As explained below, I
 11 discovered extensive evidence through a search of the jk35944@gmail.com address that
 12 shows that the address is controlled and used by BALLENGER.

13 33. The powersjason1990@gmail.com address also received an email from
 14 Ebay.com, an online marketplace, confirming the purchase of a “Zebra P640i” thermal
 15 card printer, a device designed to create government identification cards. The card
 16 printer was addressed to “Jason Powers” at 2405 S. Star Lake Road, Apartment 62-
 17 3012 in Federal Way, Washington, which was later determined to be an addressing typo
 18 and the apartment is “62-302.” The printer was paid for through the use of a PayPal
 19 account. I obtained records from PayPal that showed that the phone number associated
 20 with the PayPal account traced back to BALLENGER.

21 34. *Second*, I obtained a search warrant for the email address
 22 jk35944@gmail.com. The email account contained extensive evidence showing that
 23 BALLENGER used the address as his personal account. The “name” that the account
 24 holder chose for the email address was at one point “Anthony Ballenger,” and then was
 25 changed to “A B,” which corresponds to BALLENGER’s initials. In addition, the
 26 email account contained numerous emails containing BALLENGER’s personal
 27 documents, such as his work schedule, resume, pay statements, insurance card, vehicle
 28 inspection records, receipt relating to the preparation of a federal income tax return by

1 the online tax preparer TurboTax, and records relating to the existence of his bank
2 account at Wells Fargo. The email account also included numerous emails between
3 BALLENGER and another individual named Andrew Ballenger, who I have since
4 determined is BALLENGER's twin brother. Finally, the email account includes an
5 email confirming the purchase of an LED visor light, which I thereafter observed on the
6 Subject Vehicle driven by BALLENGER.

7 35. The email address jk35944@gmail.com also included extensive evidence
8 that its user – BALLENGER – used the address in furtherance of the prescription-
9 forgery scheme. In particular, the email account included emails regarding
10 subscriptions to electronic prescription services, an email from a company in China that
11 purported to offer its customers “custom ID card and holograms” bearing the state name
12 “Idaho,” and an email from a company that offered Washington and Idaho
13 identification-card templates. The email account also included emails from
14 BALLENGER to a jk35944@icloud.com email address attaching photographs of
15 LOVATA that appear to have been used in order to prepare false identifications.
16 Finally, the email account included emails from ESPY to BALLENGER containing
17 long lists of doctor names and DEA registration numbers for those doctors –
18 information that would have been critical in order to prepare and submit fraudulent
19 prescriptions that purportedly had been issued by those doctors.

20 36. *Third*, I obtained a search warrant for the email address
21 cervantes.justin85@gmail.com. The email account contained dozens of emails that
22 were made in furtherance of the prescription-forgery scheme. These emails included
23 emails from call-answering services informing the user of the email address about calls
24 from pharmacies seeking additional information about pending prescriptions, self-
25 addressed emails attaching multiple false driver's licenses depicting ROAN, ESPY and
26 LOVATA, fraudulent prescriptions purportedly issued by Dr. Houck, Dr. Thorn, and
27 Dr. Sale, a printout showing the “DEA” numbers associated with dozens of doctors in
28 Idaho. The email account also included emails attaching voicemail messages from

1 pharmacies regarding pending prescriptions purportedly issued by doctors and emails
2 regarding the creation of government identification cards.

3 37. The email account also included emails attaching images of American
4 Express cards bearing BALLENGER's name, as well as emails with photographs of
5 BALLENGER's twin brother.

6 **2. Evidence Discovered Through Physical Surveillance**

7 38. Since identifying BALLENGER, the DEA conducted physical surveillance
8 aimed at determining his specific involvement (i.e., his role) in the scheme. Through
9 that physical surveillance, law enforcement officers found evidence of BALLENGER's
10 participation in the prescription-forgery scheme.

11 39. *First*, before moving into the SUBJECT PREMISES in July 2016,
12 BALLENGER lived at an address in Pacific, Washington. On numerous occasions, law
13 enforcement officers conducting physical surveillance at that address saw a white
14 Honda Civic bearing Washington State license plate number AKC6236 at the Pacific
15 address. The Honda Civic also was observed to have been involved in numerous
16 prescription-forgery incidents, including incidents on February 2, 2016 at a Rite Aid in
17 Seattle, Washington (when ROAN got out of the car and entered the Rite Aid to fill a
18 false prescription) and May 20, 2016 at a Safeway in Burien, Washington (when ESPY
19 got out of the car and entered the Safeway to fill a false prescription). Through tracking
20 data obtained from a tracking device affixed to the vehicle pursuant to a warrant, I also
21 discovered that the vehicle had traveled to numerous other pharmacies in connection
22 with prescription-forgery incidents. In my experience and expertise, and in light of all
23 of the other evidence discussed above, the presence of the car at BALLENGER's prior
24 address while he was residing at that address establishes additional probable cause that
25 BALLENGER assisted the members of the scheme who actually filled the false
26 prescriptions.

27 40. *Second*, I have observed both BALLENGER and ESPY entering the
28 SUBJECT PREMISES on numerous occasions since BALLENGER moved into the
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1 new residence in July 2016. In my experience and expertise, and in light of the other
2 evidence of BALLENGER's involvement in the scheme found on the email accounts
3 described above, there is probable cause to believe that BALLENGER and ESPY are
4 members of a common conspiracy, along with one or more of the other members of the
5 prescription-forgery scheme, and that their in-person meetings are (in part) designed to
6 further the scheme. Indeed, as explained above, BALLENGER used his email address
7 to exchange emails with ESPY regarding doctor names and DEA registration numbers.
8 Those emails show that ESPY and BALLENGER knew each other and worked together
9 in connection with the prescription-forgery scheme.

10 **3. Evidence Discovered in BALLENGER's Residence and Vehicle**

11 41. On October 12, 2016, the Honorable David W. Christel, United States
12 Magistrate Judge, United States District Court for the Western District of Washington
13 issued search warrants that authorized the search of: (a) BALLENGER's residence in
14 Auburn, Washington; (b) BALLENGER's vehicle, which he parked outside the
15 residence; and (c) BALLENGER's person. I executed those search warrants on October
16 13, 2016. While those three places are still in the process of being searched, and the
17 evidence already seized from those places is still in the process of being analyzed, the
18 initial results of those searches establishes further probable cause that BALLENGER
19 committed the offense charged in the Complaint.

20 42. BALLENGER's residence is a one-room apartment that sits atop a
21 detached garage on a property in Auburn, Washington. Inside the apartment, law
22 enforcement agents found that the single room had been divided into two sections. One
23 section of the room appeared to be inhabited by BALLENGER: agents found clothes
24 that appeared to belong to a male, a desk with a photograph of BALLENGER and a
25 person who appeared to be his significant other, and a bed. The other section of the
26 room appeared to be inhabited by a female who is suspected to be ESPY (based on
27 physical surveillance of her entering the apartment on repeated occasions): in that
28

1 section, agents found clothes appearing to belong to a female and a separate bed that I
2 believe to have been used by ESPY.


3 43. In the section of the room appearing to be used by BALLENGER, agents
4 found the following evidence: (1) prescription pill bottles containing controlled
5 substances and bearing stickers that named the same patients who I had identified in the
6 course of my investigation; (2) more than 1,000 pages of blank prescription paper; (3) a
7 thermal card printer with the apparent capability to print government identification cards
8 bearing the appearance of authenticity; (4) two boxes of blank card with magnetic strips
9 on the back that appeared to be used as blank templates for either false identification
10 cards or false credit cards; (5) a magnetic card reader that appeared to have the ability to
11 code magnetic strips used on false identification cards of false credit cards; and
12 (6) handwritten notes that describe prescription orders, where those orders were filled,
13 and what controlled substances were obtained through those orders. In my experience
14 and expertise, all of these items of evidence are essential pieces of a prescription-forgery
15 scheme: their presence in BALLENGER's apartment, when considered together with
16 other evidence of BALLENGER's involvement in the scheme, establishes further
17 probable cause that he committed the offense charged in the Complaint.

18 44. Agents also found digital devices in BALLENGER's apartment, in his car,
19 and on his person. Those devices are still being searched pursuant to warrants issued by
20 the Honorable David W. Christel. As explained above, those digital devices, would
21 have played an essential role in the prescription-forgery scheme. Those devices would
22 have facilitated the creation of false identifications through the use of specialized
23 programs that provide users with the templates for government-identification cards; such
24 devices also could store and transmit the photographs used on those false identification
25 cards. Digital devices also would have facilitated the creation of false prescriptions, by
26 creating the templates for those prescription, organizing identifying information
27 regarding doctors, and compiling information about the controlled substances. Finally,
28

1 digital devices would have facilitated communication between the members of the
2 conspiracy, as evidenced by the contents of the email accounts described above.

3 * * * * *

4 45. Based on the above facts, I respectfully submit that there is probable cause
5 to believe that beginning at a time unknown, but within the past five years, and
6 continuing until on or about October 13, 2016, in Auburn, within the Western District of
7 Washington, and elsewhere, Anthony BALLENGER did knowingly and intentionally
8 conspire with others, known and unknown, to acquire and obtain possession of
9 Oxycodone, a Schedule II controlled substance, by misrepresentation, fraud, forgery,
10 deception, and subterfuge, in violation of Title 21, United States Code, Sections 846 and
11 843(a)(3).

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14 
Eric Robison
Taskforce Officer, Drug Enforcement
Administration
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18 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
19 presence, the Court hereby finds that there is probable cause to believe the Defendants
20 committed the offenses set forth in the Complaint.

21 Dated this 13th day of October, 2016.

22
23 
24 David W. Christel
25 United States Magistrate Judge
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28